FILED
2017 Mar-17 AM 10:27
U.S. DISTRICT COURT
N.D. OF ALABAMA

EXHIBIT A

ENTIRE STATE COURT RECORD

Case 2:17-cv-00420-MHH Docoment Filed 03/17/17 Page 2 of 15 ELECTRONICALLY FILED

State of Alabama Unified Judicial System

COVER SHEET CIRCUIT COURT - CIVIL CASE

Ca: 2/17/2017 11:19 AM
01-CV-2017-900637.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

Form ARCiv-93 Rev.5/99	AND THE VIOLENCE OF THE PARTY.	COURT - CIVIL CA mestic Relations Case		ANNE-MARIE ADAMS, CLER of Filing: Judge Code: /2017		
	GEN	IERAL INFORMAT	ION			
		JRT OF JEFFERSON AL v. J.M. BOZEMAN				
First Plaintiff: Business Government	✓ Individual Other		nt: Business Governme			
NATURE OF SUIT: Select primary	cause of action,			st characterizes your action:		
TORTS: PERSONAL INJURY WDEA - Wrongful Death TONG - Negligence: General		OTHER CIVIL FILINGS (cont'd) MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve				
▼ TOMV - Negligence: Motor Veh TOWA - Wantonness TOPL - Product Liability/AEMLI TOMM - Malpractice-Medical TOLM - Malpractice-Legal TOOM - Malpractice-Other TBFM - Fraud/Bad Faith/Misrep TOXX - Other: TORTS: PERSONAL INJURY TOPE - Personal Property TORE - Real Properly OTHER CIVIL FILINGS ABAN - Abandoned Automobile ACCT - Account & Nonmortgag APAA - Administrative Agency ADPA - Administrative Procedu ANPS - Adults in Need of Prote	presentation e e e e e e e e e e e e e e e e e e e	CTMP - Contempt CONT - Contract/ TOCN - Conversion EQND - Equity Note Injunction CVUD - Eviction A FORJ - Foreign Journal of Company of the Indian of I	nation/Eminent D t of Court Ejectment/Writ of on on-Damages Active Election Contes Appeal/Unlawful E udgment Crime Forfeiture Corpus/Extraordin of From Abuse Geaman (FELA) Derty t/Estate/Guardian Compensation	ons/Declaratory Judgment/ t/Quiet Title/Sale For Division Detainer nary Writ/Mandamus/Prohibition hship/Conservatorship		
ORIGIN: F ✓ INITIAL FILING R □ REMANDED		A APPEAL FRO DISTRICT CO	URT	O OTHER		
		OTHER CIRC				
HAS JURY TRIAL BEEN DEMAND	ED? YES	VINO		ot constitute a demand for a 9, Ala.R.Civ.P, for procedure)		
RELIEF REQUESTED:	MONETARY	AWARD REQUESTED	NO MONETA	RY AWARD REQUESTED		
ATTORNEY CODE: WRI063	2/17/2 Date	2017 11:19:39 AM	Signa	/s/ LESLIE ANN WRIGHT ature of Attorney/Party filing this form		
MEDIATION REQUESTED:	YES[NO UNDECIDED				

Case 2:17-cv-00420-MHH Document I-1 Filed 03/17/17 Page 3 of 15

ELECTRONICALLY FILED

2/17/2017 11:19 AM

01-cv-2017-900637.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA

ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA CIVIL DIVISION

LATARIA HARRIS, individually and)	
as mother and next friend of TAYLIN)	
FLANNIGAN, a minor,)	
Plaintiffs,)	
v .	(CV - 2017 -
J.M. BOZEMAN ENTERPRISES, INC., a corporation.)	

FICTITIOUS DEFENDANTS A, and B, whether singular or plural, that person, firm or corporation that owned or maintained the vehicle being driven and operated by GALEN HODGE on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANT C, the driver of the truck on the occasion made the basis of this lawsuit; FICTITIOUS **DEFENDANTS D, E, and F, whether singular or plural, that person, firm or corporation** on whose behalf the vehicle was being driven or operated by GALEN HODGE, on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS G, H, and I, whether singular or plural, is that person, firm or corporation who or which negligently entrusted the vehicle to GALEN HODGE on the occasions made the basis of this lawsuit; FICTITIOUS DEFENDANTS J, K, and L, whether singular or plural, that person, firm or corporation who or which was responsible for maintaining, inspecting, repairing or equipping the vehicle driven by GALEN HODGE on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS M, N, and O, whether singular or plural, that person, firm or corporation whose negligence, wantonness, willfulness and/or otherwise wrongful conduct caused or contributed to the collision and damages made the basis of this lawsuit; FICTITIOUS DEFENDANTS P, Q, and R, whether singular or plural, is that person, firm or corporation that is the true and correct name or names of the Defendants designated herein as J.M. BOZEMAN ENTERPRISES, INC.; FICTITIOUS **DEFENDANTS S, T,** and **U**, whether singular or plural, that person, firm or corporation who or which destroyed, discarded, concealed, fabricated, altered or otherwise spoliated evidence relevant to the collision made the basis of this lawsuit; FICTITIOUS DEFENDANTS V, W, and X, whether singular or plural, is that person, estate, firm or corporation which is the successor-in-interest of any of the named or above described Defendants and/or Fictitious Party Defendants; FICTITIOUS DEFENDANTS Y, Z, and AA, whether singular or plural, is that person, firm or corporation which is the predecessor in interest of any of the named or above-described Defendants and/or Fictitious Party Defendants; FICTITIOUS DEFENDANTS BB, CC, and DD, whether singular or plural, is that person, firm or corporation who or which was acting as an agent, employee, servant or contractor of and for any of the above-named Defendants or above described Fictitious Party Defendants at the times of the occurrences made the basis of this lawsuit.

The identities of the Fictitious Party Defendants are otherwise unknown to Plaintiff at this time, or if their names are known to Plaintiff at this time, their identities as proper party

Defendants are not known to Plaintiff at this time, but their true names will be substituted by amendment when ascertained.

Defendant(s).

)

COMPLAINT

PARTIES

- The Plaintiff, LaTaria Harris (hereinafter "Harris") is over the age of nineteen (19), is a resident of Jefferson County, Alabama, and brings this action in her individual capacity and on behalf of her daughter, Taylin Flannigan.
- Taylin Flannigan, is a minor (hereinafter "Flannigan"), is a resident of Jefferson County, Alabama and this action is brought by and through her mother and next friend LaTaria Harris.
- 3. Defendant, J.M. Bozeman Enterprises, Inc. (hereinafter "JM Bozeman"), is a regional transportation trucking company; a foreign corporation, incorporated under the laws of the State of Arkansas, with its principal place of business in Malvern, Arkansas, and they regularly do business in the State of Alabama and Jefferson County, Alabama.
- 4. The collision made the basis of this lawsuit occurred in Jefferson County, Alabama.
- 5. FICTITIOUS DEFENDANTS A and B, whether singular or plural, that person, firm or corporation that owned or maintained the vehicle being driven and operated by GALEN HODGE on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANT C, the driver of the truck on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS D, E, and F, whether singular or plural, that person, firm or corporation on whose behalf the vehicle was being driven or operated by GALEN HODGE on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS G, H, and I, whether singular or plural, is that person, firm or corporation who or which negligently entrusted the vehicle to GALEN HODGE on the occasions made the basis of this lawsuit; FICTITIOUS DEFENDANTS J, K, and L, whether singular or plural, that person, firm or corporation who or which was responsible for maintaining, inspecting, repairing or equipping the vehicle driven by GALEN HODGE on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS M, N, and O, whether singular or plural, that person, firm or corporation whose negligence, wantonness, willfulness and/or otherwise wrongful conduct caused or contributed to

the collision and damages made the basis of this lawsuit; FICTITIOUS DEFENDANTS P, Q, and R, whether singular or plural, is that person, firm or corporation that is the true and correct name or names of the Defendants designated herein as J.M. BOZEMAN ENTERPRISES, INC.; FICTITIOUS DEFENDANTS S. T, and U, whether singular or plural, that person, firm or corporation who or which destroyed, discarded, concealed, fabricated, altered or otherwise spoliated evidence relevant to the collision made the basis of this lawsuit; FICTITIOUS DEFENDANTS V, W, and X, whether singular or plural, is that person, estate, firm or corporation which is the successor-in-interest of any of the named or above described Defendants and/or Fictitious Party Defendants; FICTITIOUS DEFENDANTS Y, Z, and AA, whether singular or plural, is that person, firm or corporation which is the predecessor in interest of any of the named or above-described Defendants and/or Fictitious Party Defendants; FICTITIOUS DEFENDANTS BB, CC, and DD, whether singular or plural, is that person, firm or corporation who or which was acting as an agent, employee, servant or contractor of and for any of the above-named Defendants or above described Fictitious Party Defendants at the times of the occurrences made the basis of this lawsuit.

The identities of the Fictitious Party Defendants are otherwise unknown to Plaintiff at this time, or if their names are known to Plaintiff at this time, their identities as proper party Defendants are not known to Plaintiff at this time, but their true names will be substituted by amendment when ascertained.

COUNTI

Negligence Against JM Bozeman and Fictitious Defendants A through DD

and Vicarious Liability

- Plaintiff re-avers and adopt Paragraphs 1 through 5 and incorporates the same by reference as if set out fully and specifically herein.
- 7. On or about May 18, 2016, on a public road, to wit: Coalburg Road at the intersection with Daniel Payne Dr., Galen Hodge (hereinafter "HODGE"), negligently failed to keep a proper look out for traffic around him and in front of him and failed to keep his eyes on the roadway; HODGE negligently failed to control his vehicle and keep it within his lane of travel; and negligently failed to stop his vehicle in time to prevent colliding into Harris' vehicle.
- 8. Hodge's negligent acts occurred while he was within the line and scope of his

- employment for JM Bozeman.
- 9. As a proximate and direct consequence of the negligence of Defendant JM Bozeman and Fictitious Defendants A through DD, Plaintiff Harris was caused to be injured as follows:
 - a. she suffered pain;
 - b. she suffered discomfort;
 - c. she was bruised;
 - d. she suffered severe headaches;
 - e. she suffered an injury and pain to her head;
 - f. she suffered an injury and pain to her shoulders;
 - g. she suffered an injury and acute pain to her neck;
 - h. she suffered an injury and pain to her lower back;
 - i. she suffered an injury and pain to her chest;
 - j. she was concerned and worried about his health;
 - k. she was forced to undergo testing;
 - 1. she was forced to undergo medical treatment;
 - m. she suffered property damage;
 - n. she requires ongoing pain medication to function;
 - o. she suffered mental anguish;
- 10. The above described losses, damages and pains were cause through no fault of Harris.
- 11. Harris is due full compensation for all her harms and losses.
- 12. As a proximate and direct consequence of the negligence of Defendant JM Bozeman and Fictitious Defendants A through DD, Plaintiff Flannigan was caused to be injured

as follows:

- a. she suffered pain;
- b. she suffered discomfort;
- c. she was bruised;
- d. she suffered severe headaches;
- e. she suffered an injury and pain to her upper and lower back;
- f. she suffered an injury and pain to her abdomen
- The above described losses, damages and pains were caused through no fault of Flannigan.
- 14. Flannigan is due full compensation for all her harms and losses.

WHEREFORE, the Plaintiff, Harris, demands compensatory and punitive damages against Defendant JM Bozeman and Fictitious Defendants, in the amount exceeding the jurisdictional minimum of this Court, separately and severally, in an amount to be determined plus interest and costs.

COUNT II

Wantonness Against JM Bozeman and Fictitious Defendants A through DD

And Vicarious Liability

- 15. Plaintiff re-avers and adopt Paragraphs 1 through 14 and incorporates the same by reference as if set out fully and specifically herein.
- On or about May 18, 2016, on a public road, to wit: Coalburg Road at the intersection with Daniel Payne Drive, GALEN HODGE (hereinafter "HODGE"), wantonly failed to keep a proper look out for traffic around him and in front of him and wantonly failed to keep his eyes on the roadway; HODGE wantonly failed to control his vehicle and

- keep his vehicle within his lane of travel; and wantonly failed to stop his vehicle in time to prevent colliding into Harris' vehicle.
- Hodge's wanton acts occurred while he was within the line and scope of his employment for JM Bozeman.
- 18. As a proximate and direct consequence of the wantonness of Defendant JM Bozeman and Fictitious Defendants A through DD, Plaintiff Harris was caused to be injured as follows:
 - a. she suffered pain;
 - b. she suffered discomfort;
 - c. she was bruised;
 - d. she suffered severe headaches;
 - e. she suffered an injury and pain to her head;
 - f. she suffered an injury and pain to her shoulders;
 - g. she suffered an injury and acute pain to her neck;
 - h. she suffered an injury and pain to her lower back;
 - i. she suffered an injury and pain to her chest;
 - j. she was concerned and worried about her health;
 - k. she was forced to undergo testing;
 - l. she was forced to undergo medical treatment;
 - m. she suffered property damage;
 - n. she requires ongoing pain medication to function;
 - o. she suffered mental anguish;
- 19. The above described losses, damages and pains were caused through no fault of Harris.

20. Harris is due full compensation for all her harms and losses.

21. As a proximate and direct consequence of the wantonness of Defendant JM Bozeman

and Fictitious Defendants A through DD, Plaintiff Flannigan was caused to be injured

as follows:

a. she suffered pain;

b. she suffered discomfort;

c. she was bruised;

d. she suffered severe headaches;

e. she suffered an injury and pain to her upper and lower back;

f. she suffered an injury and pain to her abdomen

22. The above described losses, damages and pains were caused through no fault of

Flannigan.

23. Flannigan is due full compensation for all her harms and losses.

WHEREFORE, the Plaintiff, Harris, demands compensatory and punitive damages

against the Defendant JM Bozeman and Fictitious Defendants, in the amount exceeding the

jurisdictional minimum of this Court, separately and severally, in an amount to be determined,

plus interest and costs.

Respectfully submitted,

/s/ Freddy Rubio

Freddy Rubio (RUB005) Attorney for Plaintiff

frubio@rubiofirm.com

/s/ Leslie A. Wright

Leslie A. Wright (WRI063)

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Attorney for Plaintiff lwright@rubiofirm.com

OF COUNSEL:

RUBIO LAW FIRM, P.C.

438 Carr Avenue, Suite 1 Birmingham, Alabama 35209 Phone (205) 443-7858 Fax (205) 443-7853

www.rubiofirm.com

PLEASE SERVE DEFENDANT BY CERTIFIED MAIL AT:

ROBERT LASTER
J.M. BOZEMAN ENTERPRISES, INC.
166 Seltzer Lane
Malvern, AR 72104



AlaFile E-Notice

01-CV-2017-900637.00

To: LESLIE ANN WRIGHT lwright@rubiofirm.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

LATARIA HARRIS ET AL V. J.M. BOZEMAN ENTERPRISES, INC. 01-CV-2017-900637.00

The following complaint was FILED on 2/17/2017 11:19:47 AM

Notice Date: 2/17/2017 11:19:47 AM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355 anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2017-900637.00

To: J.M. BOZEMAN ENTERPRISES, INC. C/O ROBERT LASTER 166 SELTZER LANE MALVERN, AL, 72104

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

LATARIA HARRIS ET AL V. J.M. BOZEMAN ENTERPRISES, INC. 01-CV-2017-900637.00

The following complaint was FILED on 2/17/2017 11:19:47 AM

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2/17/2017 11:19:47 AM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355 anne-marie.adams@alacourt.gov

Case 2:17-cv-00420-MHH Document Filed 03/17/17 Page 13 of 15

State of Alabama Unified Judicial System Form C-34 Rev 6/88

SUMMONS - CIVIL -

Case Number:

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Form C-34 Rev 6/88			
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		S, INC., C/O ROBERT LASTER 166 SELTZER LA	
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TO PROTECT YOUR RIGHT ANSWER, EITHER ADMIT	TS. YOU OF TING OR D R ANSWER	R YOUR ATTORNEY ARE REQUIRE DENYING EACH ALLEGATION IN T MUST BE MAILED OR HAND DELIV	NT AND YOU MUST TAKE IMMEDIATE ACTION OF THE ORIGINAL OF YOUR WRITTEN THE COMPLAINT WITH THE CLERK OF THIS VERED BY YOU OR YOUR ATTORNEY TO THE
WHOSE ADDRESS IS 438 (Carr Avenue	, Suite 1, BIRMINGHAM, AL 35209	
	BY DEFAUL		ONS AND COMPLAINT WERE DELIVERED TO YOU FOR THE MONEY OR OTHER THINGS
TO ANY SHERIFF OR ANY	PERSONN	EL AUTHORIZED by the Alabama R	ules of the Civil Procedure:
You are hereby command	ed to serve t	this summons and a copy of the compl	aint in this action upon the defendant
✓ Service by certified mail o	f this summo	ons is initiated upon the written reques	t of LATARIA HARRIS
pursuant to the Alabama F Date 2/17/2017 11:19:47 Al		Civil Procedure NNE-MARIE ADAMS	<u> </u>
	Clerk	/Register	
	JEFF	FERSON COUNTY, ALABAMA	
		N. RICHARD ARRINGTON BLVD. MINGHAM, AL 35203	
✓ Certified Mail is hereby requested	hatsaur	/s/ LESLIE ANN WRIGHT	
V ocraned wan is hereby rec	questeu	Plaintiff's/Attorney's Signature	
RETURN ON SERVICE:			
Return receipt of certified	mail receive	d in this office on	
☐ I certify that I personally d	elivered a co	ppy of the Summons and Complaint to	
	in	Cou	inty. Alahama on
•			(Date)
Date		Server's Signature	Address of Server
Type of Server		Server's Printed Name	
		Phone Number of Server	



NOTICE TO CLERK

REQUIREMENTS FOR COMPLETING SERVICE BY CERTIFIED MAIL OR FIRST CLASS MAIL

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA LATARIA HARRIS ET AL V. J.M. BOZEMAN ENTERPRISES, INC.

01-CV-2017-900637.00

To: CLERK BIRMINGHAM clerk.birmingham@alacourt.gov

TOTAL POSTAGE PAID: \$6.98

Parties to be served by Certified Mail - Return Receipt Requested
J.M. BOZEMAN ENTERPRISES, INC.
C/O ROBERT LASTER
166 SELTZER LANE
MALVERN, AL 72104

Postage: \$6.98

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DE	ELIVERY		
 Complete Items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. 	A. Signature ☐ Agent ☐ Addresses			
Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name)	C. Date of Delivery		
Article Addressed to: J.M. BOZEMAN ENTERPRISES, INC.	D. Is delivery address different from in If YES, enter delivery address be			
C/O ROBERT LASTER 166 SELTZER LANE				
MALVERN, AL 72104				
9590 9402 2179 6193 6792 77	□ Adult Signature □ Adult Signature Restricted Delivery □ Control Mail® □ Certified Mail® □ Collect on Delivery □ Collect on Delivery	I Priority Mail Express® I Registered Mail™ I Registered Mail Restricte Delivery Fletum Flacelpt for Merchandise		
Article Number (Transfer from service label)	- tall	Signature Confirmation Signature Confirmation Restricted Delivery		
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